

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
YOLANDA MARIE ROSALY ALFONSO

CASE NO. 10-01772-ESL

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$1,125.00**

**R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,500.00   Fees paid: \$0.00   Fees Outstanding: \$2,500.00</b>
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With respect to the proposed (amended) Plan dated: **August 23, 2010** (Dkt 35).

Plan Base: **38,425.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Fails Disposable Income Test : Debtor(s) fails to commit all future earnings / projected disposable income to fund the plan. [§1322(a)(1) & §1325(b)(1)(B)]

Debtor's plan contemplates a step up due to the maturity date of the vehicle loan. Debtor's vehicle payments are for \$694.35. The step up was made for \$535.00, leaving a difference of \$159.00. Debtor fails to bring to the plan a total of \$8,745.00. (\$159.00 x the remaining 55 months of the bankruptcy case). Said funds are disposable income and should be used to fund the plan. The proposed plan is distributing to the unsecured creditors .04% of their claims.

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 & §1302(b)]

Debtor has failed to provide to the Trustee the paystubs for the months of October, November, December and January 2010.

- Other/Comments

NONE.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this August 24, 2010.

/s/ Jose R. Carrion

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/s/ Nannette Godreau -Staff Attorney

JOSE R. CARRION  
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